

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

JAN 17 2007

JAMES W. McCORMACK, CLERK
By:  DEPT. CLERK
PLAINTIFF

BEACH ABSTRACT AND
GUARANTY COMPANY

VS.

NO. 4 - 07 - CV - 00034 JMM

FEDERAL DEPOSIT INSURANCE
CORPORATION IN ITS CORPORATE
CAPACITY AND AS MANAGER OF
THE FSLIC RESOLUTION FUND; FIRST
WESTERN BANK, BOONEVILLE, ARKANSAS;
FIRST BANK, ST. LOUIS, MISSOURI; FIRST
ARKANSAS BANK AND TRUST, JACKSONVILLE,
ARKANSAS; AND FIRST NATIONAL BANK
OF EASTERN ARKANSAS, FORREST
CITY, ARKANSAS

DEFENDANTS

ORDER

Plaintiff has filed a Complaint in this action seeking to interplead the proceeds of a certain Escrow Account (the "Escrow Account") created pursuant to certain "Depository Escrow Instructions" as described in paragraphs 10 and 11 of Plaintiff's Complaint. The Defendants have filed timely Answers thereto. Upon consideration of the Complaint and Answers the Court does find:

1. That the Court has subject matter jurisdiction over the parties hereto and the subject matter of this action.
2. That the accounting of the Escrow Account filed by the Plaintiff should be confirmed and approved in all particulars.
3. That there is now on deposit in the Escrow Account the sum of \$130,727.64 (the "proceeds of the Escrow Account") which should be deposited with the Clerk of this court, a receipt

therefore given and thereafter Plaintiff should be fully released, relieved and discharged of and from any further liability pertaining to or in any way connected with the Escrow Account.

IT IS THEREFORE ORDERED THAT:

(i) the accounting of the Escrow Account filed by the Plaintiff and attached to the Complaint as Exhibit 2 thereto be and hereby is confirmed and approved in all particulars;

(ii) Plaintiff be, and hereby is, directed to forthwith deposit the proceeds of the Escrow Account with the Clerk of this Court;

(iii) the Clerk of the Court be, and hereby is, authorized and directed to receive into the registry of the Court the deposit by Plaintiff of the proceeds of the Escrow Account and upon that deposit that the Clerk of the Court be, and hereby is, directed to give Plaintiff a receipt evidencing that deposit; and,

(iv) upon being given that receipt, the Plaintiff, Beach Abstract and Guaranty Company, be, and hereby is, fully released, relieved and discharged of and from any further liability pertaining to or in any way connected with the Escrow Account and is hereby dismissed with prejudice as a party to this action.

IT IS FURTHER ORDERED THAT the Defendants in this action shall submit to the Court a motion and proposed Order for the distribution or other disposition of the proceeds of the Escrow Account.

SO ORDERED this 17 day of January, 2007.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

BEACH ABSTRACT AND
GUARANTY COMPANY

PLAINTIFF

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CITY, ARKANSAS

DEFENDANTS

RECEIPT OF DEPOSITED FUNDS

Pursuant to the Order of this Court dated the ____ day of _____, 2006, I, the undersigned Clerk of United States District Court, (or the Deputy Clerk), do hereby acknowledge receipt of the sum of \$130,727.64 paid and deposited by Beach Abstract & Guaranty Company on this ____ day of _____, 2006.

Clerk/Deputy Clerk